

FORM PTO-1390  
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
127573

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/573,972

INTERNATIONAL APPLICATION NO.  
PCT/JP2004/011607

INTERNATIONAL FILING DATE  
August 12, 2004

PRIORITY DATE CLAIMED  
October 1, 2003

**TITLE OF INVENTION**  
**PROCESS FOR PRODUCING OPTICALLY ACTIVE DIHYDROPYRIDINEPHOSPHONIC ESTER**

APPLICANT(S) FOR DO/EO/US  
Yasutaka TAKADA; Hiroo MATSUMOTO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/573,972	INTERNATIONAL APPLICATION NO. PCT/JP2004/011607	ATTORNEY'S DOCKET NUMBER 127573
21. <input type="checkbox"/> The following fees are submitted:		CALCULATIONS      PTO USE ONLY
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)):</b> ..... \$ 300.00		\$
<b>SEARCH FEE (37 CFR 1.492(b)(1)-(3)):</b> ..... \$		\$
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase ..... \$ 0.00		
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA ..... \$ 100.00		
International search report provided to USPTO no later than the time at which the search fee is paid ..... \$ 400.00		
All situations not provided for above ..... \$ 500.00		
<b>EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):</b> ..... \$		\$
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase ..... \$ 0.00		
All situations not provided for above ..... \$ 200.00		
Surcharge of \$130.00 for furnishing the search fee, the examination fee or the oath or declaration after the date of commencement of the national phase (37 CFR 1.492(h)).		\$
<b>APPLICATION SIZE FEE</b> Total pages - 100 =      + 50      =      +      x 250 =		\$
Round up to next integer		
CLAIMS	NUMBER FILED	RATE
TOTAL CLAIMS	- 20	= x 50.00 =
INDEPENDENT CLAIMS	- 3	= x 200.00 =
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ 360.00 =
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/3.		\$
<b>SUBTOTAL =</b>		\$
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$
<b>TOTAL FEES ENCLOSED =</b>		\$
		Amount to be refunded: \$
		charged: \$
a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944		
Date <u>June 13, 2006</u>		NAME: <u>James A. Oliff</u> REGISTRATION NUMBER: <u>27,075</u>  NAME: <u>Joel S. Armstrong</u> REGISTRATION NUMBER: <u>36,430</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasutaka TAKADA et al.

Group Art Unit:

Application No.: 10/573,972

Examiner:

Filed: March 30, 2006

Docket No.: 127573

For: PROCESS FOR PRODUCING OPTICALLY ACTIVE  
DIHYDROPYRIDINEPHOSPHONIC ESTER

INFORMATION DISCLOSURE STATEMENT

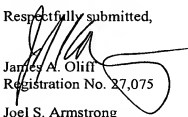
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of this non-CPA application, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☒ 2. Relevance of one or more non-English language reference is discussed in the present specification. See Reference 1.
- ☒ 3. One or more reference cited herein was cited in the International Search Report. An English language version of the International Search Report is attached for the Examiner's information. See Reference 1.

Respectfully submitted,

  
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Joel S. Armstrong  
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JAO:JSA/acf

Date: June 13, 2006

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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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